

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

July 5, 2011

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No. 08-10218  
Summary Calendar

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Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

EYVONE MICHELLE GARRETT,

Defendant - Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:02-CR-94-16

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Before JOLLY, GARZA, and STEWART, Circuit Judges.

PER CURIAM:\*

Eyvone Michelle Garrett appeals the district court's denial of her motion under 18 U.S.C. § 3582(c)(2) to reduce her prison sentence. Because Garrett was released from prison on July 9, 2010, her appeal is DISMISSED as moot.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 08-10218

I.

On June 26, 2003, Garrett pleaded guilty to various drug-related charges. In October, she was sentenced to 210 months of imprisonment. In February 2007, on motion from the government, her sentence was reduced to 100 months. In February 2008, Garrett moved to have her sentence further reduced in the light of relevant changes to the sentencing guidelines. Her motion was denied in March, and she filed a timely notice of appeal. Garrett was released from prison on July 9, 2010.

II.

The threshold question is whether Garrett’s appeal is moot. A panel of this court, in a recent unpublished decision, has spoken directly to this precise issue. *See United States v. Boston*, 2011 WL 1057563 (5th Cir. Mar. 23, 2011). *Boston* specifically held that we cannot consider a motion to reduce a sentence when the movant has been released from prison. *Id.* at \*2. We agree, although we further note that our decision does not strip Garrett of her right to file “a motion . . . regarding supervised release.” *See id.*

III.

Garrett’s appeal is moot and is therefore

DISMISSED.